

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEINLY DIAZ-DIAZ, *et al.*,

Defendants.

CASE NO. CR19-0187-JCC

ORDER

This matter comes before the Court on the Government's motion to vacate the trial date and set a status conference (Dkt. No. 96). In October 2019, Defendant Geinly Diaz-Diaz was charged by indictment with drug-related crimes. (Dkt. Nos. 1 at 1–2.) His trial is currently scheduled for January 11, 2021. (Dkt. No. 69.) The Government moves to continue trial because of the COVID-19 pandemic. (Dkt. No. 96 at 4–5.) Mr. Geinly Diaz-Diaz did not file an opposition to the motion. Having thoroughly considered the motion and the relevant record, the Court GRANTS the motion (Dkt. No. 96) for the reasons explained herein.

Since March 2020, the COVID-19 pandemic has significantly impacted the Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20, 18-20 each of which the Court incorporates by reference.) Specifically, the pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and public health guidance has impacted the ability of jurors, witnesses, counsel,

1 and Court staff to be present in the courtroom. (*See generally id.*) This District's most recent
2 General Order in response to the continuing COVID-19 outbreak continues all criminal trials
3 scheduled to occur before March 31, 2021. W.D. Wash, General Order No. 18-20 at 2 (Dec. 30,
4 2020).

5 Accordingly, the Court VACATES the current trial date and pretrial motions deadline
6 and ORDERS the parties to appear by video for a status conference on January 27, 2021 at 9:00
7 a.m. for the purpose of setting a new trial date and pretrial motions deadline. Further, the Court
8 FINDS the ends of justice served by continuing trial outweigh Mr. Diaz-Diaz's and the public's
9 interests in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 10 1. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate
11 spectrum of jurors to represent a fair cross section of the community, which makes
12 proceeding on the current case schedule impossible or, at a minimum, would result in
13 a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 14 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
15 Court staff to be present in the courtroom. Therefore, proceeding with trial as
16 scheduled would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

17 Accordingly, the Court ORDERS:

- 18 1. The January 11, 2021 trial date is STRICKEN.
- 19 2. The December 4, 2020 pretrial motions deadline is STRICKEN.
- 20 3. A remote status conference is SET for Wednesday, January 27, 2021 at 9:00 a.m. to
21 determine a new trial date and pretrial motions deadline.
- 22 4. The period from the date of this order until January 27, 2021 is an excludable time
23 period under 18 U.S.C. section 3161(h)(7)(A).

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1 DATED this 4th day of January 2021.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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